

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. AKINS, :
Plaintiff, :
v. : CIVIL ACTION NO. 3:CV-06-1704
JOHN KASHETA, et al., : (JUDGE KOSIK)
Defendants. :

MEMORANDUM AND ORDER

AND NOW, THIS 29th DAY OF SEPTEMBER, 2006, IT APPEARING TO THE COURT THAT:

[1] On August 31, 2006, plaintiff filed the above-captioned action pursuant to 42 U.S.C. § 1983, against "John Kasheta and Waymart Staff;" (Doc. 1)
[2] the matter was assigned to United States Magistrate Judge Thomas M. Blewitt;

[3] Akins' complaint asserts that the defendant Kasheta, "is constantly harassing me and breaking my confidentiality;"

[4] the plaintiff specifically accuses the defendant of revealing to other inmates what the plaintiff said in his team meeting;

[5] the complaint requests \$100,000 in compensatory and \$25,000 in punitive damages;

[6] on September 11, 2006, Magistrate Judge Blewitt reviewed the plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2), and issued a Report and Recommendation suggesting that we: (1) dismiss Akins' claim against "Waymart Staff" as said defendant is not a person under 42 U.S.C. § 1983; (2) dismiss Akins'

claims for harassment against defendant Kasheta as verbal harassment alone does not violate a protected liberty interest or deny a prisoner equal protection of the law; and, (3) dismiss Akins' claims against defendant Kasheta for breaking plaintiff's confidentiality as the claim fails to set forth a violation of privacy claim recognized under § 1983; (Doc. 7)

[7] neither the plaintiff, nor the defendants, filed objections to the Report and Recommendation.

IT FURTHER APPEARING THAT:

[8] if no objections are filed to a Magistrate Judge's Report and Recommendation, the court need not conduct a *de novo* review of the plaintiff's claims. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53, 106 S.Ct. 466 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a Magistrate Judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d. Cir. 1987);

[9] having examined the Magistrate Judge's Report and Recommendation, we agree with his recommendations;

[10] we concur with the Magistrate Judge's analysis of the plaintiff's complaint and find the Magistrate Judge's review of the record to be comprehensive;

[11] specifically, we agree with the Magistrate Judge's conclusion that the plaintiff has failed to set forth any cognizable claims under 42 U.S.C. § 1983.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- [1] the Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated September 11, 2006 (Doc. 7) is **adopted**;
- [2] the plaintiff's complaint is dismissed in its entirety for failure to state any Constitutional claim against the defendants on which relief may be granted; and,
- [3] the Clerk of Court is directed to close this case, and forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge